

REMARKS

In response to the Restriction Requirement dated September 28, 2006, Applicants provisionally elect the apparatus Claims 1-19, with traverse.

Claims 1-22 are currently pending in this application. Claims 1-19 are directed to are directed to a fill tube assembly. Claims 20-22 are directed to a method of making the fill tube assembly recited in Claim 1.

The Examiner has restricted the claims into two groups: Group I, containing the structure Claims 1-19; and Group II, containing the method Claims 20-22. In support of the restriction requirement, the Examiner alleges that Groups I and II are related as process and product made.

The inventions are distinct if it can be shown that either: (1) The processes claimed can be practiced by another materially different apparatus or by hand, or (2) The apparatus as claimed can be used to practice another materially different process.

The Examiner alleges, in this instance, that the product can be made by a materially different process such as the transfer of non-metallic molten metals (glass or plastics). Applicants respectfully disagree.


First, molten metal is cast, whereas glass or plastics are molded. Independent structure Claim 1 is directed to a fill tube for a casting tube, independent structure Claim 14 recites a fill tube assembly to transfer molten metal, and independent method Claim 20 recites a method of employing a fill tube to transfer molten metal into a casting mold. Therefore, it is respectfully requested that the restriction requirement be withdrawn.

Additionally, according to MPEP 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it

includes claims to independent and distinct inventions." In light thereof, it is believed that an action on the merits of claims 1-22 in a single application is in order.

In view of the foregoing discussion, Applicants submit that the requirement for restriction is improper and should be withdrawn. However, as stated above, Applicant has provisionally elected Group I, containing the structure Claims 1-19, drawn to a fill tube assembly for casting.

Respectfully submitted,



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